

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

IN RE:)	
)	
Ruth A. Final)	CASE NO. 16-81318
)	Judge Hon. Lynch
)	CHAPTER 13
<hr/>		
Ruth A. Final)	
)	
Plaintiff,)	
)	
v.)	ADV. NO. __AP_____
)	
Ditech Financial, LLC)	
)	
Defendant.)	

**COMPLAINT OF THE DEBOR PURSUANT TO 11 U.S.C. § 506(A) AND
BANKRUPTCY RULE 3012 TO DETERMINE THE VALUE OF SECURTIY
AND RELEASE OF DITECH FINANCIAL, LLC'S UNDERLYING LIEN ON
DEBTOR'S PROPERTY**

NOW COMES the Plaintiffs, Ruth A. Final, by her attorney, Joseph P. Doyle, and states as follows:

1. The Plaintiff filed a petition under Chapter 13 of the U. S. Bankruptcy Code on June 30, 2011.
2. This Honorable Court has jurisdiction pursuant to § 157 and § 1334 of Title 28, United States Code.
3. This is a core proceeding within the meaning of § 157(B)(1) and (2) of Title 28, United States Code.
4. Venue is proper pursuant to § 1409 of Title 28, United States Code.
5. This Honorable Court has not confirmed the Plaintiffs' Chapter 13 Plan.

6. Plaintiff, Ruth A Final, is an individual.
7. The Defendant, Ditech financial LLC, is a foreign corporation.
8. The Plaintiff is the owner of a single family home, her principal place of residence, located at 134 Hickory Road, Lake In The Hills, IL 60156.
9. Caliber Home Loans holds a first mortgage lien on the real property commonly known as, 134 Hickory Road, Lake In The Hills, IL 60156, with a secured claim of \$176,463.37. Please see attached Exhibit A.
10. Ditech Financial LLC, holds a second mortgage on the real property known as 134 Hickory Road, Lake In The Hills, IL 60156 with a secured claim of \$12,416.54. Please see attached Exhibit B.
11. Plaintiff obtained an appraisal of the property indicating the value of 134 Hickory Road, Lake In The Hills, IL 60156 is \$145,000.00. Said appraisal was performed on June 13, 2016 by Lisa Majeske, certified by State of Illinois as an appraiser. Please see attached Exhibit C.
12. That the secured claim of the first mortgage of Caliber Home Loans, exceeds the value of the subject property, leaving nothing for Defendant's claim to attach to. Defendant's lien should be avoided pursuant to §506 and §1327 (b)(2).

WHEREFORE, the Plaintiff, Ruth A. Final, prays this Honorable Court for the following relief:

- A. That this Court hold that the interest of the Defendant with respect to real estate located at 134 Hickory Road, Lake In The Hills, IL 60156, is hereby avoided.

B. That the Plaintiff have such and other relief as the Court may deem just and proper.

Respectfully submitted,

Law Offices of Joseph P. Doyle

/s/ Joseph P. Doyle

By: Attorneys for Plaintiffs

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